

not mandate for all counties containing cities of the first class to implement. I do support the Bereuter motion.

PRESIDENT: Senator Orval Keyes.

SENATOR KEYES: Senator Bereuter, I'd like to ask you a question, if you will. Senator Bereuter, with the legislation that you have introduced, and the Legislature has passed in the last two or three years, I find that in Sarpy County I have a man who wanted to give his nine acres of land to his two daughters to put a house on. The county could permit them to have, I believe, one house on five acres. But the other one would have four acres, wouldn't have five, so he could not let his two daughters put a house on the land that he owned, although it was within the zoning district of the county. I also have a man who owns five acres of ground out in the country, he's owned it for five or six years now, seven years. It grows to corn and beans. He wants to sell it so someone can put a house on it. I was thinking of buying it myself. It's just across the road from our farm. Did you know that I can't get a permit to put a house on that five acres. Now would you object to something that would let the county commissioners of a county be in charge of zoning so that when they decide that it is possible, and it would not disrupt the beauty of our county, or any other county, that maybe we could put a house on five acres, or maybe we could put a house on four and a half acres without coming in with a full comprehensive plan.

SENATOR BEREUTER: Senator Keyes, I certainly would be willing to restore that to the county commissioners. I think this is important to all of you here. The only problem is we don't have to restore it. They already have the authority. Nothing that I have ever done in this body, or as a state official in the past, has affected that responsibility. Right now the county commissioners in Sarpy County, or any other county, can establish the minimum subdivision size that they want to. Tomorrow they could, by public action, reduce it to a half acre lot, or acre lot, or whatever. What we have said by state law is only this, if something is less than ten acres it will be considered to be a subdivision. But county government may still continue to permit them to plat any size, under ten, that they want. For instance, in my own county the county commissioners have decided that four acres would be the minimum there. In another county which I represent they decided on three. In Sarpy county they could well say it's a half acre. So what I'm saying to you is we've never done anything to affect that. If you can get your county commissioners to reduce the size, then they can go ahead and do that tomorrow.

SENATOR KEYES: Well thank you, Senator Bereuter. I want to tell you that my county commissioners, or at least a lobbyist for our county is in the back of the room. I hope they heard that. I hope that they adhere to it. We in Sarpy County, who own five acres of ground, can put a house on it, and it is not denied.

PRESIDENT: Senator Cope.

SENATOR COPE: Mr. President, members, a question of Senator Bereuter please. Senator Bereuter, I understand then that there...if this amendment is added, there wasn't really a penalty in the first place, but counties will not have to comply at the date, it originally was 1980.